

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 BRIAN G. WALSH
Deputy Attorney General
4 State Bar No. 207621
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2535
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. OT-7728

12 **KIMBERLY BEGANSKY**
1529 W. 223rd Street
13 Torrance, California 90501

DEFAULT DECISION AND ORDER

14 **Occupational Therapist**
15 **License No. OT-7728**

[Gov. Code, §11520]

16 Respondent.

17
18 **FINDINGS OF FACT**

19 1. On or about July 23, 2009, Complainant Heather Martin, in her official capacity as
20 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer
21 Affairs, filed Accusation No. OT-7728 against Kimberly Begansky (Respondent) before the
22 California Board of Occupational Therapy (Board).

23 2. On or about July 19, 2004, the Board issued Occupational Therapist License No. OT-
24 7728 to Respondent. The Occupational Therapist License was in full force and effect at all times
25 relevant to the charges brought herein, and will expire on July 31, 2010, unless renewed.

26 3. On or about July 29, 2009, Rita Cruz, an employee of the Department of Justice,
27 served by First Class Mail a copy of the Accusation No. OT-7728, Statement to Respondent,

28 ///

1 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
2 11507.7 to Respondent's address of record with the Board, which was and is:

3 1529 W. 223rd Street
4 Torrance, CA 90501.

5 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c).

8 5. Government Code section 11506, subdivision (c) states, in pertinent part:

9 "The respondent shall be entitled to a hearing on the merits if the respondent files a notice
10 of defense, and the notice shall be deemed a specific denial of all parts of the accusation not
11 expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
12 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

13 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. OT-
15 7728.

16 7. California Government Code section 11520, subdivision (a), states, in pertinent part:

17 "If the respondent either fails to file a notice of defense or to appear at the hearing, the
18 agency may take action based upon the respondent's express admissions or upon other evidence
19 and affidavits may be used as evidence without any notice to respondent."

20 8. Pursuant to its authority under Government Code section 11520, the Board finds
21 Respondent is in default. The Board will take action without further hearing and, based on the
22 evidence on file herein, finds that the allegations in Accusation No. OT-7728 are true.

23 9. The total cost for investigation and enforcement in connection with the Accusation is
24 \$2,260.75.

25 ///

26 ///

27 ///

28 ///

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected her Occupational Therapist License No. OT-7728 to discipline.
2. A copy of the Accusation is attached.
3. The agency has jurisdiction to adjudicate this case by default.
4. The Board is authorized to revoke Respondent's Occupational Therapist License based upon Respondent's convictions of crimes that are substantially related to the qualifications, functions, and duties of an occupational therapist, in violation of Business and Professions Code (Code) section 490 and Code section 2570.25, subdivision (c); her dangerous use of alcohol, in violation of Code section 2570.28, subdivision (a), and Code section 2570.29, subdivision (b); her unprofessional conduct in failing to respond to Board inquiries, in violation of Code section 2570.28, subdivision (a); and committing acts that would be grounds for license denial, in violation of Code section 2570.28, subdivision (a), in conjunction with Code section 480, subdivision (a)(1).


ORDER

IT IS ORDERED that Occupational Therapist License No. OT-7728, issued to Respondent, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 31, 2009.

It is so ORDERED.


FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:
Exhibit A: Accusation No. OT-7728